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DEC 21 2006

OFFICE OF PETITIONS

In re Application of	:	
DiVALENTINO	:	
Application No.: 09/580,272	:	DECISION ON PETITION
Filing Date: May 25, 2000	:	UNDER 37 CFR 1.181
Attorney Docket No.: 3085.PALM.PSI	:	

This is a decision on the petition under 37 CFR 1.137(b), filed November 7, 2006, which is being treated as a petition under 37 CFR 1.181 to withdraw the holding of abandonment.

The petition is **GRANTED**.

On July 5, 2006, a Notice of Abandonment was mailed, indicating that the above-identified application is abandoned for failure to file a timely reply to the non-final Office action mailed October 4, 2005, which set a three-month shortened statutory period for reply.

The instant petition states that a proper reply in the form of an amendment and a petition for a two-month extension of time was filed via facsimile on February 16, 2006. The petition is accompanied by a copy of the reply filed on February 16, 2006, a copy of a USPTO auto-reply facsimile receipt, and a statement from the person who personally transmitted the correspondence. Furthermore, the correspondence includes a proper certificate of facsimile transmission. Accordingly, the petition sufficiently establishes that a proper reply to the non-final Office action mailed October 4, 2005 was filed on February 16, 2006.

The Notice of Abandonment mailed July 5, 2006 is hereby **VACATED**.

The 37 CFR 1.137(b) petition fee of \$1500.00 will be refunded to Deposit Account No. 50-3102.

This application is being referred to Technology Center AU 2145.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3303.

Bryan Lin

Bryan Lin
Legal Examiner
Office of the Deputy Commissioner
for Patent Examination Policy